

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NDIDI AZIKIWE, et al.,

Plaintiffs,

-against-

NIGERIAN AIRWAYS LIMITED, et al.,

Defendants.
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ORDER

Case No. 03-CV-06387 (FB)

Appearances:

For the Plaintiffs:

MORRIS FISCHER, ESQ.
Fagbenle Attorneys, LLC
Air Rights Center
4550 Montgomery Avenue, Suite 601
Bethesda, MD 20814

For the Defendants:

EPHRAIM UGWUONYE, ESQ.
ECU Associate, P.C.
850 Sligo Avenue
Suite 400
Silver Spring, MD 20910

THEO I. OGUNE, ESQ.
The Law Offices of Ogune, LLC
1 East Mt. Royal Avenue
Baltimore, MD 21202

BLOCK, Senior District Judge:

For the reasons discussed in open court today, the parties' joint motion to certify the class and preliminarily approve the settlement is denied without prejudice. So that each member of the plaintiff class may be identified, defendant is ordered to conduct due diligence in order to procure the name and address of every passenger aboard Nigeria Airways Flight WT.851 from New York City (JFK) to Lagos, Nigeria on November 30, 2002. Within 30 days of the date of this order, defendant shall furnish a list containing these names and addresses to plaintiffs and the Court; if

defendant is unable to identify the name and address of every passenger, it shall immediately inform plaintiffs and the Court as to why it cannot do so.

SO ORDERED.

/signed/

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FREDERIC BLOCK
Senior United States District Judge

Dated: Brooklyn, New York
March 13, 2008